

**MINUTES OF THE REGULAR MEETING OF
THE EDINA PLANNING COMMISSION
SEPTEMBER 26, 2001, 7:30 P.M.
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

**Chair, Gordon Johnson, John Lonsbury, Ann Swenson, David Byron,
Helen McClelland, David Runyan, Geof Workinger, Lorelei Bergman**

STAFF PRESENT:

Kris Aaker and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the August 29, 2001, meeting were filed as submitted.

II. NEW BUSINESS:

**S-01-6 & P-01-3 Preliminary Plat, Final Plat and Final Development
Plan Approval for Leo Evans, etal.**

Ms. Aaker presented the staff report noting in 1997 the City Council approved 26 units. The proposal before you this evening slightly increases the overall density of the site by two. Ms. Aaker said the question before the Commission is if the additional two units were approved would this approval have a negative impact on the overall project. Ms. Aaker concluded if this area is not developed it might be the subject of future proposals that may not be compatible with the existing Olde Vernon.

Mr. Fred Richards was present representing the property owner Leo Evans.

Commissioner Swenson asked Ms. Aaker if Outlot A was included in the original Olde Vernon plat. Ms. Aaker said that portion was included in the plat but remained platted as an outlot. Ms. Aaker reminded the Commission Olde Vernon is platted in phases.

Commissioner Runyan asked Ms. Aaker how the 22,300 square foot outlot parcel will be divided. Ms. Aaker responded the 22,300 square foot outlot will be divided to match the size of the existing parcels in the Olde Vernon 26-unit plat.

Commissioner Byron asked Ms. Aaker what setbacks are proposed. Ms. Aaker explained if approved as submitted the outlot will be folded into the Olde Vernon plat which is zoned PRD-1. The PRD-1 zoning district allows for up to 4.15 units per acre with setbacks of 30 feet for the front and side street, 20 feet for the interior side yard, and 25 feet for the rear yard. Ms. Aaker said the Commission should note within the PRD-1 zoning district all measurements are from the perimeter of the site.

Commissioner Byron asked Ms. Aaker if she believes the outlot benefits from the PRD-1 zoning with regard to setback. Ms. Aaker said not necessarily. Expanding, Ms. Aaker explained if the subject outlot were to be zoned R-1, single dwelling unit district the setbacks would be similar. R-1 zoning states a minimum front yard setback of 30 feet, rear yard setback of 25 feet, interior side yard setback of 10 feet, and side street setback of either 15 or 20 feet.

Commissioner Swenson said in her opinion what is being requested this evening is increasing a previously approved plat for 26 homes to 28. Ms. Aaker said that is correct.

Chairman Johnson said he has a problem with the fact that the outlot is not part of the present homeowners association and questioned why or how that happened.

Mr. Richards introduced himself explaining he represents the property owner, Mr. Leo Evans who resides in California. Mr. Richards explained the development history of this site dates back many years. Continuing, Mr. Richards said in 1996 a proposal requesting a rezoning of the subject site from R-1 to PRD-1 was brought before the City Council. The request was for a 32-unit townhouse development. At that time the City Council determined a 32-unit townhouse development was not appropriate for the site and the Council recommended reducing the unit count from 32 to 26. Mr. Richards said in 1997 a revised plan was brought before the Council illustrating a 26-unit townhouse style development. However, all buildings would be constructed on "individual" lots. Mr. Richards said the approved project would contain no common building walls, with property owners only owning the building pad of their home with all open space commonly held by a homeowners association. Concluding, Mr. Richards said the concept of a detached 26-unit development received final approval. Mr. Richards stated after this process was completed it appears Mr. Evans sold a portion of the subject site to Charles Cudd for development, but retained a portion of the site for future development. Presently, the majority of the subject site is developed by Mr. Cudd with 22 building sites.

Chairman Johnson commented one of his concerns is with the appearance of the proposed lots on Olinger Road.

Mr. Richards acknowledged that concern and pointed out Mr. Evans is willing to have Mr. Cudd develop this portion of the site. Mr. Richards pointed out the outlot in question contains over 22,000 square feet and it is up to the Commission and Council to determine if they believe this section of the site should be developed to mirror and fold into the existing Cudd development, be redeveloped on its own, or left undeveloped. Continuing, Mr. Richards reiterated Mr. Evans would agree to a continued development by Mr. Cudd with the proposed new homes (on Olinger) belonging to the present Olde Vernon Homeowners Association.

Commissioner Runyan commented in his opinion it would be difficult to develop the two sites on Olinger Road with a separate homeowners association. Commissioner Runyan said if developed he wants a common association.

Commissioner Byron stated he agrees with the previous comment from Commissioner Runyan. Commissioner Byron pointed out the outlot is isolated from the rest of the development and he believes if approved at 28 any approval should be conditioned on it being part of the original homeowners association.

Mr. Richard interjected in speaking with Mr. Evans; Mr. Evans would agree to add Olde Vernon Two to the current homeowners association. Mr. Richards told the Commission, Mr. Solheim, president of the Olde Vernon Homeowners Association is present this evening and deferred Commissioner's Byron question to him.

Mr. Solheim addressed the Commission and said with respect to the two lots off Olinger Road that the association does not really care one way or the other if this outlot is added to the homeowners association. Mr. Solheim said the concern of the association is that any development should be compatible with what presently exists in Olde Vernon. Mr. Solheim said if approval is granted for the two proposed building pads the association would welcome them. Mr. Solheim acknowledged that piece of the site is isolated from the rest of Olde Vernon. He explained currently the homeowners association collects dues for street maintenance, landscaping, lawn care etc. and pointed out the street maintenance portion of the dues will not benefit the proposed properties off Olinger Road. Continuing, Mr. Solheim said the bylaws of the association do include a "lesser benefit" clause that could be implemented for those two building sites. Mr. Solheim told the Commission the association will willingly accept those two sites adding the association is concerned about continued construction in the area, and the lack of care the construction vehicles take with the existing street. Mr. Solheim explained the current roadway system within Olde Vernon is stressed by construction vehicles. Mr. Solheim said the association understands construction will occur but want the construction team to be more respectful of the area. Mr. Solheim said another concern expressed by members of the association is the vacant piece of property owned by Mr. Evans off Olinger Road.

Mr. Solheim reiterated if developed it would be beneficial if this parcel is compatibly developed.

Chairman Johnson said the "lesser benefit" cause is interesting in addressing the two new proposed sites off Olinger Road. Chairman Johnson acknowledged this proposal is a challenge because it deviates from the original proposal approving a 26-unit site.

Mr. Richards acknowledged the original proposal was approved at 26. He said for some it may be a difficult jump from 26 to 28 if they have it in their mind that only 26-units should be developed on this site. Mr. Richards said he understands that, but pointed out when the Commission and Council approved this 26-unit detached development this type of product was a rather new development concept in Edina. He said since its concept the product has been very well received and there is an expressed need for this form of housing. Mr. Richards pointed out if approved and consequently developed only 27 units will be constructed on this site. One person has purchased two building pads and constructed one home over them. Continuing, Mr. Richards said in his opinion if developed as proposed, with the entire site under one homeowners association; the site will have a finished development look.

Commissioner Byron reiterated a point previously made by Chairman Johnson on how Mr. Evans retained this portion of the site.

Mr. Richards said it is his understanding the original Olde Vernon was platted in phases. Mr. Evans retained ownership over this phase. Mr. Richards said there is no doubt Mr. Evans believes his original submission for 32-units was the proper density for this parcel of land, and Mr. Evans has in a sense played a waiting game. Mr. Richards said he does not know the reason Mr. Evans has retained this piece of land for so many years paying taxes on it, leaving it undeveloped, but he has. Mr. Richards said to him it makes more sense if the site is developed as presented this evening.

Commissioner Workinger said if the Planning Commission decides not to approve the request by Mr. Evans what will happen to the outlot. Mr. Richards said in all probability nothing will happen to it.

Chairman Johnson said this is difficult because it is an outlot and people who own outlots have come before the Commission and Council in the past for development of those outlots. Chairman Johnson said what this may come down to is a political judgment.

Mr. Richards said that might be the correct assumption. Mr. Richards said if the Commission can remove itself from the political issue of past approval for 26-units this site could be developed to meet the standards set forth in the original Olde Vernon development, while complying with all ordinance standards.

Commissioner Byron commented in reality what Mr. Evans is asking for is similar to revisions that have occurred in previous City developments that have been platted in phases. He pointed out the Parkwood Knolls Harvey Hansen tract has been developed in phases with each phase increasing or decreasing the number of lots. Centennial Lakes, Edinborough and Grandview are all platted in phases and minor deviations have occurred. Ms. Aaker acknowledged that is correct.

Commissioner Byron asked Mr. Richards if it is his understanding that Mr. Evans is firm on 5 building sites. Mr. Richards stated in his discussions with Mr. Evans that Mr. Evans is firm on 5 lots. Mr. Richards said he understands the position of the Commission with regard to Mr. Evans. Mr. Richards acknowledged, "Leo is being Leo", adding it might be difficult to separate the politics and Mr. Evans personality from this project.

Commissioner Byron commented if he remembers correctly at past meetings on this site some neighbors might still believe what exists today at Olde Vernon is too dense. Ms. Aaker said that might be correct, noting the Comprehensive Plan designation for this parcel has always indicated a low-density development, not single family residential.

Commissioner McClelland interjected stating in the past a number of neighbors attended the hearings, especially the immediate neighbor off Olinger Road. Continuing, Commissioner McClelland said if she recalls past hearings density was always an issue and the adjacent property owner off Olinger Road resides on a rather deep parcel noting there was some discussion if his parcel could be tied into the Olde Vernon Development. Mr. Richards agreed density was an issue during past hearings, which is the reason for the reduction from the original 32. Mr. Richards said as he understands it the adjacent property owner, Mr. Dennis Wegner and Mr. Evans have had contact in the past about possible development options, but to the best of his knowledge nothing has transpired between them.

Commissioner Workinger said it is difficult for the Commission to assume what may have transpired between Mr. Wegner and Mrs. Evans and the decision of the Commission should be based on what is presented to us this evening. Continuing, Commissioner Workinger said what he believes the job of the Commission is is to either uphold the past Council decision, or carefully consider what is presented this evening. In all reality what is proposed is one more building site than previously approved, and does the City feel that is agreeable, or do we leave this area undeveloped.

Mr. Solheim interjected that his concern is that the subject site is left undeveloped or if developed does not tie in with the existing Olde Vernon site. Mr. Solheim said the association wants uniform homes constructed on this site.

The association does not want to see two story homes constructed in this area that are not architecturally compatible to Olde Vernon. Mr. Solheim said this proposal could be viewed in a positive light if the right conditions are placed on approval. Mr. Solheim said in a sense this could be “breaking the log jam” that is present on this site. Mr. Solheim concluded Mr. Cudd constructs quality homes and bringing the proposed 5 building pads on board is a plus.

Commissioner Lonsbury said, as he understands it, the original proposal is for 26 units. 22 units are “accounted for” because one property owner purchased two pads for the placement of one home. Commissioner Lonsbury suggested instead of the proposed 5 building pads, that Mr. Evans consider four new sites with a different configuration. Commissioner Lonsbury acknowledged building pad placement may be difficult because of site and road configuration, but internal reconfiguration may be possible.

Mr. Richards said his client believes five building pads is reasonable, and what is proposed is actually under the density requirement allowed by the PRD-1 zoning. Mr. Richards said Mr. Evans firmly believes the proposal is what is needed in Edina and there is a large demand for this type of housing.

Commissioner McClelland said she doesn’t like feeling she has to make a decision on this outlot. She pointed out it may be possible the Olde Vernon Association may want to purchase the outlot to develop tennis courts on the corner of Olinger Road and Vernon Avenue. Commissioner McClelland said she believes Commissioner Lonsbury’s suggestion of reconfiguring this piece is a possibility.

Ms. Judith Schmidt, 5900 Merold Drive told the Commission in the past density was an issue for the residents on Merold Drive. Ms. Schmidt asked what the notification process is for public hearings. Chairman Johnson explained the City mails notices to residents who live within 500 feet of the subject property for public hearings before the City Council. Chairman Johnson explained if this proposal moves forward this evening the Council will hear this request at its October 16, 2001 hearing.

Commissioner Bergman asked Ms. Aaker if the proposed new sites are similar in size to the existing sites in Olde Vernon. Ms. Aaker responded the sites are similar in size. Ms. Aaker explained if approved at 5 lots the density would increase from 2.86 units per acre to 3.08 units per acre. Ms. Aaker reminded the Commission the PRD-1 zoning district allows up to 4.15 units per acre. Commissioner Bergman said in viewing the proposal and listening to the discussion thus far she believes the proposal can work. Commissioner Bergman pointed out the lots are similar in size and fall below the allowed density, adding in her opinion complete uniform development of this site is a plus. Continuing, Commissioner Bergman said she couldn’t think of another type of development that would work at this corner. Commissioner Bergman said she doesn’t feel

single-family homes are appropriate on this corner. She said she believes if approved as presented and the right conditions are placed on the development this proposal makes sense.

Commissioner Swenson said in her opinion she can't visualize the outlot as part of the existing Olde Vernon Homeowners Association, it is too isolated. She said in her opinion a single family home(s) may work.

Chairman Johnson commented if a single family home(s) is allowed to be constructed on that corner it will one of the few single-family home sites west of Jerry's.

Commissioner Workinger said in going back to one of the first questions raised by the Commission what is the intent of this outlot and what is an outlot. (He said he is somewhat sympathetic to the proponent and believes what is proposed would work). Ms. Aaker said an outlot is considered an area, parcel or lot of land on a plat or subdivision. Commissioner Workinger asked if outlots can be developed. Ms. Aaker responded they can be developed.

Commissioner Byron said in thinking out loud the City may have had a good reason in keeping the unit count at 26, maybe it is density, but as previously mentioned the density is lower than what is allowed by ordinance. He said important points for the Commission to consider is if developed building construction should be compatible with what exists. Continuing, Commissioner Byron reiterated if developed the outlot should be part of the Olde Vernon Homeowners Association.

Commissioner McClelland stated what is being discussed is what type of housing may go on the outlot. Commissioner McClelland reiterated it is possible the homeowners association may want this outlot for tennis courts or some other form of amenity, like open space, it doesn't have to be developed. Commissioner McClelland acknowledged in the past Mr. Evans has been difficult to work with, but that doesn't mean the Commission should allow this outlot to be developed.

Mr. Richards asked the Commission not to take into account the personalities involved with this development but view the proposal as a product that has been very well received in the City. Continuing, Mr. Richards reiterated he understands caution on the part of the Commission as it addresses this issue. He acknowledged density was an issue in the past and still is an issue, pointing out the density with this development is still less than what is allowed by Ordinance standards. Concluding Mr. Richards stated when the Commission and Council originally heard this proposal the concept was relatively new and we really did not know how it would be received.

Commissioner Bergman addressed the Commission and stated she believes the question before the Commission is; would the additional two units negatively impact the overall project. She pointed out if developed as proposed the total unit count would be 27, one over the originally proposed 26. Commissioner Bergman also noted the proposed units fit the site, and require no variances. Commissioner Bergman concluded she supports the proposal. She added if the proposed development is constructed with similar housing styles and is a member of the Olde Vernon Homeowners Association it is a reasonable project.

A discussion ensued with regard to making a motion, and if the request should be addressed in parts.

Commissioner Byron moved to recommend approval for an amendment to the Final Development Plan for P-01-3. Commissioner Runyan seconded the motion. Commissioner Workinger moved for an amendment to the motion that includes if amended the site becomes part of the Olde Vernon Homeowners Association. Commissioner Byron and Runyan accepted the amendment.

Commissioner McClelland commented she will not support this motion because it does not include the possibility of reduction in units as mentioned by Commissioner Lonsbury. Ayes; Lonsbury, Byron, Runyan, Bergman, Workinger, Johnson. Nays; Swenson, McClelland. Motion to approve amendment to the Final Development Plan approved 6-2.

Commissioner Byron moved to recommend final plat approval of Olde Vernon Three subject to staff conditions and the additional conditions that Olde Vernon Three be part of the Homeowners Association of Olde Vernon and if Olde Vernon Two is approved that it is also part of Olde Vernon. Ayes; Byron, Lonsbury, Runyan, Workinger, Bergman, Johnson. Nays, Swenson, McClelland.

Commissioner Byron moved to recommend final plat approval for Olde Vernon Three and preliminary plat approval of Olde Vernon Two with approval of Olde Vernon Two to be tied to final plat approval of Olde Vernon Three. Ayes; Lonsbury, Byron, Runyan, Workinger, Bergman, Johnson. Nay; Swenson. Abstain; McClelland.

Chairman Johnson informed Mr. Richards and interested neighbors the City Council will hear this proposal at their October 16, 2001, meeting.

III. ADJOURNMENT:

The meeting adjourned at 9:30 P.M.